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March 31, 2006

The Honorable Robert Mueller, III
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Mr. Director:

We are writing to request that your agency provide documentation on the instances in which Puerto Rico authorities compromised Federal Bureau of Investigation (FBI) activities. This request is in response to a March 10, 2006, FBI briefing on domestic terrorist organizations in Puerto Rico for House Judiciary Committee staff.

During the FBI's briefing on March 10, 2006, John E. Lewis, Deputy Assistant Director of the FBI's Counterterrorism Division, indicated that the FBI is forced to work in a hostile work environment in Puerto Rico.¹ According to Mr. Lewis, the FBI believes that involving the Puerto Rico authorities in its activities poses a security problem and raises the level of compromise for FBI agents.² Therefore, FBI agents in Puerto Rico do not give notice to local law enforcement when they execute search warrants for example.³ Mr. Lewis said that the FBI could provide documentation on the instances in which Puerto Rico's law enforcement compromised its agents.⁴

As it pertains to the issuance and execution of search warrants, we understand that Rule 41 of the Federal Rules of Criminal Procedure does not require an FBI agent to notify a local jurisdiction's law enforcement that he or she will be carrying out a search warrant in that

¹*FBI Briefing on Terrorist Organizations in Puerto Rico, Before Staff of the H. Comm. on the Judiciary, March 10, 2006.*

²*Id.*

³*Id.*

⁴*Id.*

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jurisdiction.⁵ However, we also understand that the FBI believes that “through cooperation, the investigative resources of the FBI and state and local agencies often are pooled in a common effort to investigate and solve the cases.”⁶ In fact, in furtherance of this belief, the FBI has also established the Office of Law Enforcement Coordination (OLEC) to strengthen relationships and coordinate communications between the FBI and federal, state, and local law enforcement.⁷

As you are aware, on March 28, 2006, we convened a briefing to better understand, in light of recent incidents in Puerto Rico, how cooperation between Federal authorities and Puerto Rico authorities can be obtained. We invited Puerto Rico’s Special Agent in Charge, Luis Fraticelli, to participate in this briefing.⁸ The briefing would have benefitted from an FBI response to allegations that its agents have unreasonably and excessively conducted investigations involving the pro-independence movement. FBI representation at the briefing would have also allowed for a proper discussion as to the failed relationship between Puerto Rico and federal law enforcement.

However, referencing the Department of Justice’s (DOJ) long-standing position to provide DOJ representation only at the request of a Committee Chairman, the FBI declined to provide FBI representation at the briefing.⁹ As a result, we are now following up with the Bureau to acquire documentation on the instances in which Puerto Rico authorities compromised FBI activities.

We thank you in advance for your cooperation on this matter. Please reply through the House Judiciary Committee Democratic office, 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,


John Conyers, Jr.
Member of Congress


Robert C. “Bobby” Scott
Member of Congress

⁵FED. R. CRIM. P. 41

⁶See FBI, *Frequently Asked Questions*, at <http://www.fbi.gov/aboutus/faqs/faqsone.htm>.

⁷See FBI, *Office of Law Enforcement Coordination*, at <http://www.fbi.gov/hq/olec/olec.htm>.

⁸Letter from the Honorable John Conyers, Jr. to Luis Fraticelli, Special Agent in Charge, March 21, 2006.

⁹Letter from Eleni P. Kalisch, Assistant Director, FBI Office of Congressional Affairs to the Honorable John Conyers, Jr., March 23, 2006.